

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

) C/A No.: 1:19-3393-BHH-SVH
Travonte Tate,)
)
)
 Plaintiff,)
)
)
 vs.)
 Officer Thomas, Officer) ORDER
 Williams, and Dr. Byrne,)
)
)
 Defendants.)
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)

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights by defendants. On February 25, 2020, defendants filed a partial motion to dismiss Plaintiff's claims for monetary damages in defendants' official capacity. [ECF No. 31]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of the motion and of the need for him to file an adequate response by March 27, 2020.¹ [ECF No. 35]. Plaintiff was specifically advised that if he failed to respond adequately, the motion may be granted.

¹ On March 16, 2020, Plaintiff's deadline was extended an additional 21 days pursuant to the Standing Order of the Honorable R. Bryan Harwell, Chief United States District Judge, in response to the COVID-19 pandemic. See 3:20-mc-105.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to defendants' motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon his official capacity claims for monetary damages. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to the motion for summary judgment by May 4, 2020. Plaintiff is further advised that if he fails to respond, the undersigned will recommend Plaintiff's claims for monetary damages against defendants in their official capacities be dismissed for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



April 20, 2020
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge